

## REMARKS

### A. Background

Claims 22-27 were pending in the application at the time of the Office Action. The Office Action objected to the specification on formal grounds. Claims 22-27 were rejected under 35 USC §§ 101 and 112. Applicant has herein amended the specification, amended claim 23, cancelled claim 22, and added new claim 28. As such, claims 23-28 are pending in the application.

### B. Proposed Amendments

Applicant has herein amended the specification to remove all hyperlinks and/or other forms of browser-executable code and to address typographical errors. Claim 23 has been amended to delete the “computer readable medium,” recited in the preamble and to add the method step of “storing the one or more biological inferences on a computer readable medium.” Applicant submits that the added method step is supported by at least pages 15 and 25 of the specification as originally filed. Claim 22 has been cancelled. New claim 28 has been added and is supported by original claim 22.

In view of the foregoing discussion, applicant submits that the amendments to the specification and claims do not introduce new matter and entry thereof is respectfully requested.

### C. Rejection on the Merits

Initially, applicant would like to thank the Examiner for the courtesy of the telephone interview conducted on May 16, 2007. During the interview applicant discussed the above amendments to claim 23. The Examiner stated that it appeared that the amendments to claim 23

addressed the rejections under 35 USC §§ 101 and 112 but that he wanted to review the formal response before making a final determination. The amendments to the specification and consideration of the previously filed information disclosure statement, as discussed below, were also discussed during the interview.

Pages 2 and 3 of the Office Action objected to the specification for including hyperlinks and/or other forms of browser-executable code. Applicant has herein amended the specification so as to remove all hyperlinks and/or other forms of browser-executable code. As such, withdrawal of the objection to the specification is respectfully requested.

The bottom of page 3 of the Office Action states that references C1-C68 referenced in the IDS filed 8/23/01 were not being considered because they were not submitted. As discussed with the Examiner during the telephone interview, applicant asserts that the references were filed in the United States Patent and Trademark Office and that the Examiner provided with the present Office Action a copy of the submitted PTO-Form 1449. The copy of the PTO-Form 1449 was initialized by the Examiner acknowledging review and consideration of all of references C1-C68. As such, applicant submits that there is a typographic error in the Office Action and that it should properly state that “Applicant has ~~not~~ provided copies of those references, which have ~~not~~ been considered.” The foregoing was agreed to with the Examiner during the interview.

Pages 4 and 5 of the Office Action rejected claims 22-27 under 35 USC § 101 as being directed to both a “process” and a “product” and thus non-statutory subject matter. The claims were also rejected for not providing a “useful, concrete, and tangible result.” Applicant has herein amended the preamble of claim 23 so as to remove the reference to the “computer readable medium.” As such, applicant submits that claim 23 is now directly solely to a method

or process. Furthermore, applicant has amended claim 23 so as to recite the method step of “storing the one or more biological inferences on a computer readable medium.” Applicant submits that this method step results in claim 23 providing a “useful, concrete, and tangible result.” In view of the foregoing, applicant requests that the rejection of claim 23 under 35 USC § 101 be withdrawn. The remaining claims were rejected under 35 USC § 101 for simply depending from claim 23. Accordingly, in view of the amendments to claim 23, applicant also requests that the rejection of the remaining dependent claims under 35 USC § 101 also be withdrawn.

Pages 5 and 6 of the Office Action rejected claims 22-27 under 35 U.S.C. § 112, second paragraph, as being indefinite in that claim 23 appeared to claim both a “process” and a “product.” In view of the above discussed amendments to claim 23, applicant submits that claim 23 now clearly reads on a “process” or “method” and thus withdrawal of the rejection of claims 23-27 under 35 U.S.C. § 112 is respectfully requested.

Finally, page 6 of the Office Action rejected claim 22 as being dependent from claim 23 that was not a preceding claim. Applicant has herein cancelled claim 22 and added it back in as claim 28. As such, withdrawal of the objection to claim 22 is now respectfully requested.

D. Conclusion

In view of the foregoing, applicant respectfully requests the Examiner’s reconsideration and allowance of claims 23-28 as amended and presented herein.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 21<sup>st</sup> day of May 2007.

Respectfully submitted,

/Dana L. Tangren/ Reg # 37246

DANA L. TANGREN

Attorney for Applicant

Registration No. 37,246

Customer No. 022913

Telephone No. 801.533.9800

DLT:dfw

W:\16585\6.2\DFW0000021926V001.DOC